

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	
)	

**OPPOSITION OF THE AMERICAN CABLE ASSOCIATION TO
APPLICATION FOR REVIEW OF CENTURYLINK**

The American Cable Association (“ACA”) opposes the Application for Review of CenturyLink in the above-referenced proceedings.¹

On September 18, 2013, the Wireline Competition Bureau (“Bureau”) adopted a Report and Order² implementing the *Special Access Data Collection Order* of the Federal Communications Commission (“Commission”).³ Among the actions taken by the Bureau on delegated authority was to relieve cable operators of the obligation to provide location-specific information where facilities “are *not* linked to a *Node* capable of providing Metro Ethernet (or its

¹ See Application for Review of CenturyLink, WC Docket No. 05-25, RM-10593 (filed Oct. 22, 2013) (“CenturyLink Application”).

² See *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25, RM-10593, Report and Order, DA 13-1909 (rel. Sept. 18, 2013) (“Bureau Order”).

³ See *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-153, ¶ 52, (rel. Dec. 18, 2012) (“*Special Access Data Collection Order*”).

equivalent))” and are not used to provide a *Dedicated Service*.⁴ The *CenturyLink Application* requests that the Commission reverse this specific action of the Bureau.

ACA submits that CenturyLink’s request effectively nullifies the Commission’s delegation to the Bureau “to amend the data collection based on feedback received through the PRA [Paperwork Reduction Act] process,” even though the Bureau, in relieving cable operators of limited filing requirements, made certain its corrections were consistent with “the Commission’s [data collection] needs as expressed in the Report and Order.”⁵ Accordingly, the request should be denied by the Commission.

ACA’s support of any aspect of the *Bureau Order* is done with great reluctance. ACA demonstrated in its PRA Comments submitted this past spring that the proposed mandatory data request in the *Special Access Data Collection Order* is not compliant with the PRA because it “is clearly excessive in absolute terms for smaller entities, in terms of the value of the information produced for this cost, and because much of the information required for the Commission’s analysis can be found in information kept by these operators in their normal course of business.”⁶ While ACA appreciates the willingness of the Commission and Bureau to hear these concerns, the *Bureau Order* is largely unresponsive in addressing them. As such, ACA maintains that the mandatory data request continues to violate the PRA.

⁴ *Bureau Order*, ¶ 27.

⁵ *Special Access Data Collection Order*, ¶ 52.

⁶ See Paperwork Reduction Act Comments of the American Cable Association on FCC 12-153, WC Docket No. 05-25, RM-10593 at 4 (Apr. 15, 2013).

That said, in the limited instance raised by CenturyLink where the Bureau was responsive to excessive paperwork burdens raised by ACA and others,⁷ it acted properly – within its delegated authority. The Commission, in delegating authority, expected the Bureau to balance “the Commission’s needs as expressed in this Report and Order” and the requirement to navigate “the Paperwork Reduction Act process.”⁸ The Commission, after all, cannot ignore its PRA obligation.⁹ Accordingly, the Bureau, upon being presented with evidence of the burden of supplying location-specific information, recognized that for a cable operator, where a *Node* was not linked to Metro Ethernet and *Dedicated Service* was not being provided, that type of information either had little or misleading value or could be accounted for sufficiently by other means.¹⁰

CenturyLink contends that the effect of the Bureau’s action “will cause the data collection to systematically underestimate the existence of potential competition.”¹¹ However, it provides scant – and at most vague – support for this conclusion.¹² Moreover, CenturyLink makes no attempt to address the Commission’s obligations under the PRA to ameliorate excessive data production burdens placed on cable operators, thereby ignoring the legitimate task the Bureau was directed by the Commission to undertake. ACA notes that requiring cable

⁷ See e.g., Comments of the National Cable & Telecommunications Association, WC Docket No. 05-25 at Exhibits A and B (Apr. 15, 2013).

⁸ *Special Access Data Collection Order*, ¶ 52.

⁹ The Commission clearly understood its PRA obligation when it stated that where it could not obtain approval from the Office of Management and Budget to collect certain information, it would proceed with the remainder of the collection. See *Special Access Data Collection Order*, n. 111.

¹⁰ See *Bureau Order*, ¶ 27.

¹¹ *CenturyLink Application* at 5.

¹² CenturyLink refers to conclusions in a March 2012 report by Frost & Sullivan but supplies no supporting data. See *id.*, n. 19.

operators to identify locations where there are no active customers, which would be the result if CenturyLink's request were approved, would be particularly burdensome since cable operators could not use their current billing information. Further, the effect of the CenturyLink request is to require cable operators to identify all buildings served by traditional, HFC plant – something already effectively accomplished through the submission of census block level data on best efforts broadband service.

In response to the Commission's PRA notice in the Federal Register,¹³ AT&T submitted extensive comments, arguing that a part of the mandatory data request was "plainly contrary to one of the principal purposes of the PRA."¹⁴ AT&T then concluded by requesting that the Commission forgo collecting certain information because it "lacks practical utility and is not necessary to the resolution of this proceeding."¹⁵ AT&T thus tacitly agreed that the Bureau's role pursuant to the delegation in the *Special Access Data Collection Order* was to balance the need to collect comprehensive data with the need to reduce any paperwork burden. ACA, in seeking relief from the mandatory data request pursuant to the PRA, too asked the Bureau to strike a balance between these two aims. In most instances, the Bureau rejected ACA's pleas. However, in the limited instance where CenturyLink has sought review, the Bureau agreed and supplied a reasonable rationale. Consequently, the Commission should deny the CenturyLink request.

¹³ See Federal Register Notice, Information Collection(s) Being Reviewed by the Federal Communications Commission Comments Requested, 78 Fed. Reg. 9,777, 9,911-9,912 (Feb. 12, 2013).

¹⁴ Paperwork Reduction Act Comments of AT&T Inc., WC Docket 05-25, RM-10593, at 21 (Apr. 15, 2013). CenturyLink filed no PRA comments in response to the notice.

¹⁵ *Id.* at 24.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Joshua Guyan, do hereby certify that I have caused the foregoing Opposition to Application for Review of CenturyLink to be served via First Class United States mail, postage prepaid, on the parties listed on the attached service list.

A handwritten signature in black ink that reads "Joshua Guyan". The signature is written in a cursive, flowing style.

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